

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GRACE FERNANDEZ,

Plaintiff,

v.

PETE BUTTIGIEG,

Defendant.

CASE NO. C23-1648-JCC

ORDER

This matter comes before the Court *sua sponte*. On January 4, 2024, the Honorable S. Kate Vaughan, United States Magistrate Judge, granted Plaintiff's motion to proceed *in forma pauperis*. (Dkt. No. 10.) The Court then accepted Plaintiff's proposed complaint and filed it that same day. (Dkt. No. 11.) Nearly a year later, Plaintiff still had not sought summons, let alone file an affidavit demonstrating proof of service. (*See* Dkt. No. 12 at 1); *see also* Fed. R. Civ. P. 4(m) (a defendant must be served within 90 days after the complaint is filed). Thus, on December 13, 2024, the Court ordered Plaintiff to show cause why the Court should not dismiss her case. (Dkt. No. 12 at 1.) Plaintiff was required to respond by January 3, 2025. (*Id.*)

Rule 4(m) provides that if a defendant "is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). However, if a plaintiff shows good cause for the failure to serve, then the

1 court must extend the time for service for an appropriate period. *Id.* The burden of establishing
2 good cause is on the plaintiff. *Tucker v. City of Santa Monica*, 2013 WL 653996, slip op. at 2
3 (C.D. Cal. 2013).

4 To date, Plaintiff has not explained why she has failed to seek summons or otherwise
5 perfect service, despite being ordered to do so. Plaintiff therefore has not met her burden of
6 establishing good cause. Thus, pursuant to Federal Rule of Civil Procedure 4(m), the Court
7 DISMISSES Plaintiff's case without prejudice for failure to prosecute.

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9 DATED this 8th day of January 2025.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE